

REMARKS

In an office action dated 21 August 2003, the Examiner rejects claims 27-29 and 35-51 as well as objecting to the specification. In response to the office action, Applicants amend the specification and respectfully traverse the rejections to the claims. Claims 27-29 and 35-51 remain pending in the application. In light of the amendments and the below arguments, Applicants respectfully request that the Examiner allow all pending claims and allow this application.

The Examiner rejected the specification based on the use of the absence of kernel in the paragraph of the application beginning at page 9, line 16. Applicants have added kernel in the appropriate places to correct this oversight. Applicants respectfully request that this objection be removed.

The Examiner rejects claim 27 and 37 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Number 5,737,706 A issued to Seazholtz et al. (Seazholtz). In order for anticipation rejection to be proper, each and every claim element of the claim must be found either expressly or inherently in a single prior art reference. See MPEP §2131. See also Verdegaal Bros. V. Union oil Co. of California, 814 F.2d 628, 631 (Fed. Cir. 1987). The Examiner has failed to provide evidence that all claimed elements are expressly and or inherently in the single prior art reference of Seazholtz.

Claim 27 recites the steps of "determining a particular time at which the mobile computer terminal is to send a message to the host computer to avoid being disconnected;" "waking up due to the programming of the timer or clock;" and "sending the message at said particular time." Seazholtz does not teach any of these limitations. Instead, Seaholtz teaches a method in which a handset in a wireless system enters a sleep mode and wakes up at a particular time to receive a Temporary Equipment Identifier (TEI) message. Col. 8, lines 35-49. The TEI

message includes identifications of those handsets that have data that must be sent to the handset. Col. 8, lines 44-45. A handset awakes to receive the TEI message and determine if the identifier of the handset is included in the message. If the identifier for the handset is included in the TEI message, the handset exits sleep mode to receive the data. Id. In the system, taught by Seazholtz, the handset or mobile computer is to wake up at certain time to receive a message. In the claimed invention, the mobile computer "wake-up" to send a message. In the claimed invention, the mobile computer must periodically transmit a message to avoid being disconnected from the network. However, in the system taught by Seazholtz, this is not a concern as a mobile telephone is not concerned about being disconnected from the network. Instead, Seaholtz is concerned only with saving power between transmissions over a datalink and there is no problem with a cellular telephone being disconnected with a network. For this reason, Seazholtz does not teach each and every claim element of claim 27. Therefore, Applicants respectfully request that the rejection of claim 27 be removed.

Claims 28-36 are dependent upon claim 27. Thus, claims 28-36 are allowable for at least the same reasons as claim 27 and all rejections to claims 28-36 should be removed. Therefore, Applicants respectfully request that claims 28-36 be allowed.

Claim 37 is a mobile computer terminal configured to perform the method of claim 27. Thus, claim 37 is allowable for at least the same reasons as claim 27 and the rejection to claim 37 should be removed. Therefore, Applicants respectfully request that claim 37 be allowed.

Claims 38-41 are dependent upon claim 37. Thus, claims 38-41 are allowable for at least the same reasons as amended claim 37 and the rejections to

claims 38-41 should be removed. Therefore, Applicants respectfully request that claims 38-41 be allowed.

Claim 42 is rejected under 35 U.S.C. §103(a) over admitted prior art in view of Seazholtz. Claim 42 recites programming a timer to wake-up the unit in time to transmit a message to avoid being disconnected. This is not taught by the admitted prior art. This is also not taught by Seazholtz for the reasons given above with respect to claim 27. Thus, the combination of the admitted prior art and Seazholtz do not teach this limitation. Therefore, the rejection to claim 42 must be removed. Applicants respectfully request that claim 42 be allowed.

Claims 43-46 are dependent upon claim 42. Thus, claims 43-46 are allowable for at least the same reasons as claim 42. Therefore, the rejections to claims 43-46 must be removed and Applicants respectfully request claims 43-46 be allowed.

Claim 47 is the method performed by a device such as the device claims in claim 42. Thus, claim 47 is allowable for at least the same reasons as claim 42. Thus, the rejection to claim 47 should be removed and Applicants respectfully request claim 47 be allowed.

Claims 48-51 are dependent upon claim 47. Thus, claims 48-51 are allowable for at least the reasons as claim 47. Therefore, Applicants respectfully request that the rejections to claims 48-51 be removed and that claims 48-51 be allowed.

If the Examiner has a question about this response or the application in general, the Examiner is invited to telephone the Applicants at 775-586-9500.

Respectfully submitted,
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